

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK ANTHONY FOREMAN,

Defendant.

CR 14-42-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 12, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Mark Anthony Foreman’s guilty plea after Foreman appeared before him pursuant to Federal Rule of

Criminal Procedure 11, and entered a plea of guilty to conspiracy to distribute methamphetamine as set forth in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 103), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Mark Anthony Foreman's motion to change plea (Doc. 82) is GRANTED and Mark Anthony Foreman is adjudged guilty as charged in the Superseding Information.

DATED this 27<sup>th</sup> day of May, 2015.



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Dana L. Christensen, Chief District Judge  
United States District Court